

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Nashville
FILE NUMBER: 200401818

REGULATORY PROJECT MANAGER: Mary Ann Brannan **Date:** 13 Oct 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) **Date:**
 At the project site Y (Y/N) **Date:** 12 Oct 2004

PROJECT LOCATION INFORMATION:
State: TN
County: Knox
Center coordinates of site by latitude & longitudinal coordinates: N 36 4 35.65 W 83 49 34.14
Approximate size of site/property (including uplands & in acres): 15 acres
Name of waterway or watershed: Roseberry Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

This particular wetland is completely isolated from waters of the US. It appears that much grading has occurred on this site, and was performed in a way that left many uneven low spots on the property. Soils in this wetland are borderline hydric, indicating that this area hasn't had wet conditions for a long period of time although the hydrophytic plants are quite successful.

Other waters of the US do exist on the site. There are three other small wetland areas that are either adjacent to or contiguous with an unnamed ephemeral stream that feeds into Roseberry Creek. These wetland areas meet all three criteria to be jurisdictional and are listed on hydric soils list of the local county soil survey.